

**Amendments to the Drawings**

Attached please find replacement drawing sheet pursuant to 37 CFR 1.121(d). In the replacement sheet, Figure has been amended by including reference numerals for the angle (20), side (22), and axis (24); and the side (22) of the lower portion of the main conduit is altered to show, in exaggerated form, an expansion angle.

REMARKS

An Office Action related to the subject application was mailed on or about January 25, 2006. The Office Action objected to the drawings and rejected claims 1-6 under 35 USC 112, first paragraph as based on a disclosure that is allegedly not enabling. Specifically, the Office Action identifies the “up to 3 degrees” as the allegedly non-enabled matter, and in particular questions whether the means for attaining the “up to 3 degrees” is enabled and also suggests the Applicant has not provided enablement for the up to 3 degrees at the lower end of the range. Applicants respectfully traverse this rejection.

Regarding the objection to the drawings, Applicants have amended the drawings to show the features of the invention specified in the claims, as required by the Office Action. No new matter has been added, as the features identified in the amended drawing were adequately described in the specification. Applicants have also amended Paragraphs 0039 to be consistent with the amended drawing.

Applicants kindly point to Paragraphs 0007, 0016, 0039, and 0040 which provide the enabling disclosure to support the expansion angle of up to 3 degrees. In particular, Paragraph 0007 recites the preferred ranges (“up to 3 degrees”) as well as the low end of the range (“preferably greater than 0.5 degrees”). In addition, Paragraph 0040 discloses a variety of ways the expansion can be provided whereas Paragraph 0016 defines the term “exhibits an expansion angle of up to 3 degrees”. Based on these disclosures, the invention as claimed is clearly enabled.

The Office Action also rejected claims 1-3 under 35 USC 103(a) as being unpatentable over the McIntyre (US patent No. 4913771). By this amendment, claim 1 is amended. Applicants respectfully traverse the rejections and kindly ask reconsideration of the present claims in view of the remarks set forth below.

By this amendment, Applicants have amended independent claim 1 to provide additional clarity and resolve some lack of antecedent basis concerns.

Claim 1, as amended, reads:

“A device useful in removing liquid from a food product, comprising a main conduit oriented vertically and open at its upper and lower ends, an air knife means sealingly connected to an opening in a side of said main conduit and positioned in said opening to eject air or other gas downward in said main conduit, wherein the inside diameter of the main conduit between said opening and said upper end is less than the inside diameter of the main conduit below said opening, wherein the main conduit downstream of said opening, beginning from said opening, exhibits an expansion angle of up to 3 degrees for a distance at least 6 times the diameter of the main conduit at said opening and gas supply means in fluid communication with an inlet of said air knife means for blowing gas into said inlet at a velocity sufficient that said gas is ejected into said main conduit at a sufficient velocity to draw air and any liquid entrained in the air proximate the main conduit into said upper end and out said lower end. “ (Emphasis Added)

As highlighted above, it is important to note that the current claim relates to a device that is useful in removing a liquid from a food product. The device includes a vertically oriented main conduit with an expansion begins from the opening of the main conduit and the ejected air is at a sufficient velocity to draw liquid into the upper end of the main conduit and out the lower end of the main conduit.

Conversely, the McIntyre reference is in a non-analogous field and moreover, does not teach or show these claim limitations.

Specifically, the McIntyre reference does not teach or disclose a device for removing a liquid from a food product and does not teach, suggest or disclose a main conduit having an expansion angle of up to 3 degrees. Rather the McIntyre reference actually teaches the use of a venturi structure near the exit that tapers inwardly to a throat area and subsequently expands at some undefined angle for an undefined length. Likewise the McIntyre reference teaches the use of such apparatus or device for the removal of water vapor from sludge passing along a conveyor (See column 2,

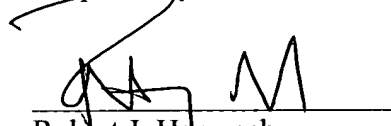
lines 29-39) and not liquids from a food product.

These differences between the present claims and the McIntyre reference are not matters of design choice and the changes required to alter the McIntyre device (found in a non-analogous art of sludge dewatering) to meet all of the limitations of the present claims clearly do not fall within the scope of a person skilled in the art of food product treatment. Therefore, the McIntyre reference is believed to be an inadequate primary reference and the obviousness rejection should be withdrawn.

No new matter has been introduced and no new fees are required since the number of claims remaining after this amendment do not exceed the number previously paid for. A petition for extension of time to respond to the Office Action is accompanied herewith.

In light of the above amendments and remarks, reconsideration and allowance of the pending application is requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. Hampsch', is written over a horizontal line.

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